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GRAYBEAL, JACKSON, HALEY LLP  
155 - 108TH AVENUE NE  
SUITE 350  
BELLEVUE, WA 98004-5901

EXAMINER

WHITE, CARMEN D

ART UNIT PAPER NUMBER

3714

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DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/853,487

Applicant(s)

BEST, ROBERT M.

Examiner

Carmen D. White

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 281-374 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 281-286, 295-305, 307-326 and 336-374 is/are rejected.
- 7) ☒ Claim(s) 287-294, 306 and 327-335 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 18.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### ***Claim Objections***

Claims 301-302, 347-348 , 358-349 and 368 are objected to because of the following informalities: I the claims recite the misspelled term "manipulatable".

However, it appears that this should be --manipulable--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 281-283, 286, 295-301, 302-305, 307-311, 314-323, 326, 336-340, 342-353, 355, and 357-360, 362-368 and 370-374 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sawano** et al (6,544,126) in view of **Miyamoto** et al (6,626,760), further in view of **Fujioka** et al (6,527,637).

Regarding claims 281-283, 286, 299-305, 323, 326, 336-340, 347, 349, 355, 357-360, 363-367, 370-371 and 373-374, Sawano teaches a data carrier for use in a video game apparatus that has a first processor that is digitally linked to a separately housed portable game system that contains a second processor and a discrete display device, the data carrier carrying game program instructions (abstract; Fig. 1). While the first and second processors of Sawano generate game data from the game executable code so that the player can play the game, Sawano is silent regarding the explicit

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teachings of the first and second game instructions that cause the first and second processors to generate first and second data that represents plural body parts of a first and second player controlled character moving in a first and second 3-D game world for display on each of the display devices. In an analogous video gaming system, Miyamoto teaches a video game apparatus similar to the video game apparatus of Sawano with a first processor (Fig. 1) that displays three-dimensional first and second characters on a display, the characters having plural body parts (abstract; Fig. 12; Fig. 13; Fig. 14). Further, in an analogous video gaming system, Fujioka teaches a portable game system (Figures 1A and 1B), similar to the portable game system of the Sawano, that displays a game object in 3-D on a display device (col. 5, lines 46-47). It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the 3-D game data, as taught by Miyamoto and Fujioka, into the gaming system of Sawano to allow the players to play games with enhanced video graphics on both the game console and the portable game device. This would enhance and promote game play.

Regarding claims 295-298 and 343-346, Sawano, Miyamoto and Fujioka teach all the limitations of the claims, as discussed above. Sawano lacks the explicit teachings of the instant claims that regard the specific information contained within the transferred game code between the two devices. It is well known in the art for game data to contain identifiers and character specific data. It is a matter of game program design well within the capabilities of Sawano to store and transfer this type of game information. It merely involves programming the game code/software to do so. It would

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have been obvious to a person of ordinary skill in the art at the time of the invention to include this feature in Sawano, Miyamoto and Fujioka to make the game interaction more exciting and fun for the players.

Regarding claims 307-308, 350-351 and 368, Sawano, Miyamoto and Fujioka teach all the limitations of the claims as discussed above. The references lack the explicit teaching of the data causing the enlargement or reduction in size of a selected area of the second simulated game world. However, it is well within the capability of the gaming systems of Sawano, Miyamoto and Fujioka to have game code that performs this function. It is merely a matter of programming the memory of the game devices or inputting a game cartridge that contains data that instructs the gaming devices to perform in such a way. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include this feature in Sawano, Miyamoto and Fujioka in order to enhance the game graphics, which thereby attracting more players to play the game.

Regarding claims 309-311 and 352-353, Sawano, Miyamoto and Fujioka teach all the limitations of the claims as discussed above. Miyamoto further teaches the display of inanimate objects, non-human and human like character objects (Figures 12 and 13).

Regarding claims 314-322, Sawano, Miyamoto and Fujioka teach all the limitations of the claims as discussed above. The references are silent regarding the authentication and cryptographic features of the data carrier. However, it is well known to use authentication and encryption/decryption in computer data storage systems to enhance security. It would have been obvious to a person of ordinary skill in the art at

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the time of the invention to employ authentication and encryption/decryption techniques in Sawano, Miyaomoto and Fujioka to protect the stored data from being tampered with and from unauthorized game play.

Regarding claims 342 and 366-367, Sawano, Miyamoto and Fujioka teach all the limitations of the claims as discussed above. The references are silent regarding the feature of a touch sensitive device. However, touch screens and touch sensitive input devices are well known in the art. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include a touch sensitive device in Sawano, Miyamoto and Fujioka to make input easier and more convenient for the game players.

Regarding claims 302, 348 and 362, Sawano, Miyamoto and Fujioka teach all the limitations of the claims as discussed above. While Miyamoto teaches characters with body parts, Miyamoto is silent regarding the body parts being articulated fingers. It is well within the functional capabilities of Miyamoto to implement this feature. This is merely a matter of changing the game software or game cartridge stored in the devices. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include this feature in Sawano, Miyamoto and Fujioka to make the graphic display of character data more realistic and thereby enhance the gaming experience for the players.

Regarding claim 372, Sawano, Miyamoto and Fujioka teach all the limitations of the claims as discussed above. The references lack the explicit teaching of a partly wireless transmission of data. It is well known in the art to transfer data from one gaming machine to another via a wireless (example: infrared) transmission link. It

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would have been obvious to a person of ordinary skill in the art at the time of the invention to employ this feature in Sawano to make data transfer less cumbersome and more convenient.

Claims 284-285, 312-313, 341, 354, 356, 361 and 369, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sawano** et al (6,544,126) in view of **Miyamoto** et al (6,626,760), further in view of **Fujioka** et al (6,527,637), further in view of **Fujimoto** et al (6,238,291).

Regarding claims 284-285, 312-313, 324-325, 341, 354, 356, 361 and 369, Sawano, Miyamoto and Fujioka teach all the limitations of the claims as discussed above. While Sawano teaches the download of games from a main game console to a portable game device, Sawano is silent regarding the explicit teaching of the simulated game worlds and game characters being substantially the same in both. In an analogous gaming system, Fujimoto teaches the simultaneous display of a similar game world with similar game objects on a game console and portable game devices (abstract). It would have been obvious to a person of ordinary skill in the art at the time of the invention to employ the display of the same game on both the portable and game console devices simultaneously as taught by Fujimoto in Sawano, Miyamoto and Fujioka to allow multiple players to play a game at the same time.

Regarding claims 356, Sawano, Miyamoto, Fujioka and Fujimoto teach all the limitations of the claims as discussed above. While Fujimoto teaches the display of similar game data on both displays, Fujimoto lacks the explicit disclosure of one being a miniature likeness of the other. The game devices of Fujimoto are capable of

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performing this function it is just a matter of changing the game software used on the system. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include this feature in Fujimoto to make game play with multiple players easier to view and follow by all of the players.

***Allowable Subject Matter***

Claims 287-294, 306 and 327-335 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of Sawano, Miyamoto, Fujioka and Fujimoto do not teach the feature of the *first processor detecting a predetermined condition, and program instructions that cause transmission of control data to the second processor to cause the second processor to execute program instructions that modify the second data if said predetermined condition is detected.*

***Examiner's Response to Applicant's Remarks***

Applicant's arguments with respect to claims 208-277 (incorrectly indicated as 208-280 in the previous office action) have been considered but are moot in view of the new ground(s) of rejection. The examiner has cited a new art rejection for the new claims 281-374, above.



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***USPTO Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to the examiner's supervisor, Tom Hughes, who can be reached on 703-308-1806.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Carmen White*  
*Patent Examiner, 3714*  
cdw